IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Irina A. BUHIMSCHI et al.
Title:	*BIOMARKERS FOR INTRA-AMNIOTIC INFLAMMATION*
Appl. No.:	10/534,694
Filing Date:	01/17/2006
Examiner:	David J. Venci
Art Unit:	1641
Confirmation Number:	6784

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Office Action mailed in the above-captioned case on April 17, 2007.

Applicants believe no additional payment is required for filing this response. If this is incorrect, however, the Commissioner is authorized to make appropriate charges or credits to Deposit Account No. 19-0741 to provide exact payment.

Restriction Requirement

Applicants hereby elect, with traverse, the claims of Group I, claims 61-65, 67 & 68, for prosecution in the instant application.

Even though the instant case has completed one office-action round already, the examiner now asserts that a publication by Cole *et al.* defeats the patentability of the main claims, thereby vitiating "unity of invention." According to the examiner, the claimed technical feature does not define a contribution over the prior art, and the claims therefore should be restricted into three groups.

The examiner's assertions are factually erroneous, however. Cole does not even mention intra-amniotic inflammation, let alone teach kits or methods for diagnosing intra-amniotic inflammation by testing for HNP-1, HNP-2, calgranulin A and calgranulin C. Instead, Cole describes a new antimicrobial peptide, calcitermin, that has partial sequence homology to calgranulin C. In characterizing the new peptide, Cole provides background information on the S100 family of calcium-binding proteins and compares a short sequence of calcitermin to calgranulins A & C. *See, e.g.* Cole, pg. 5, col. 2, ¶2; Figure 1C. No where, however, does Cole teach that calgranulin A or calgranulin C can be used for diagnosing intra-amniotic inflammation or hint at diagnosing intra-amniotic inflammation by testing for HNP-1, HNP-2, calgranulin A and calgranulin C. Thus, contrary to the examiner's assertion, the claimed technical feature does define a contribution over the cited prior art. Accordingly, the restriction requirement should be withdrawn.

Respectfully submitted,

Date 15 May 2007

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